

SERVICE DATE – MARCH 2, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 32 (Sub-No. 107X)

BOSTON & MAINE CORPORATION—ABANDONMENT EXEMPTION—IN  
MERRIMACK COUNTY, N.H.

Decided: March 1, 2017

Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service for B&M to abandon and for ST to discontinue service over an approximately 6.36-mile line of railroad known as the Northern Main Line of the Northern Railroad in Merrimack County, N.H. (the Line). Notice of the exemption was served and published in the Federal Register on February 1, 2017 (82 Fed. Reg. 8,970).<sup>1</sup> The exemption is scheduled to become effective on March 3, 2017.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on February 6, 2017. In the EA, OEA states that the National Geodetic Survey (NGS) submitted comments stating that four geodetic station markers may be located in the vicinity of the Line. Accordingly, OEA recommends that a condition be imposed requiring B&M to notify NGS at least 90 days prior to beginning any salvage activities that could disturb or destroy any geodetic station markers.

Further, OEA states that the U.S. Army Corps of Engineers (the Corps) has not commented on the potential impact of the proposed abandonment on waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). In addition, OEA states that because B&M intends only to remove track and ties from the rail right-of-way, OEA believes that impacts to waterways and wetlands are unlikely to result from the proposed abandonment. However, OEA states that in order to provide the Corps with an opportunity to provide comments, it recommends that a condition be imposed requiring B&M to consult with the Corps prior to beginning salvage activities.

Additionally, OEA states that the New Hampshire Department of Environmental Services (DES) has not provided comments regarding the potential impacts of the proposed abandonment on water quality or the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). OEA states that although it believes that impacts to water quality are unlikely because of the limited scope of the proposed salvage activities, OEA recommends that a

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<sup>1</sup> ST's discontinuance proceeding is docketed under Springfield Terminal Railway—Discontinuance of Service Exemption—in Merrimack County, N.H., AB 355 (Sub-No. 43X).

condition be imposed requiring B&M to consult with DES prior to undertaking salvage activities to ensure that any concerns of DES are properly addressed.

Comments to the EA were due February 21, 2017. On February 3, 2017, OEA received additional information from the New Hampshire Division of Historical Resources (SHPO) regarding the historical significance of the rail line proposed for abandonment. As discussed in the EA, the SHPO recommends a finding of no adverse effect to historic properties listed in or eligible for listing in the National Register of Historic Places, pursuant to Section 106 of the National Historic Preservation Act, and OEA states that the additional information from the SHPO indicates that the SHPO's opinion remains unchanged. OEA concurs with the SHPO's recommendation and states that no mitigation related to historic preservation is recommended.

For the reasons discussed above, the conditions recommended by OEA in the EA will be imposed.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on February 1, 2017, exempting the abandonment of the line described above is subject to the conditions that B&M shall: (1) notify NGS at least 90 days prior to beginning any salvage activities that will disturb or destroy any geodetic station markers to plan for the possible relocation of the geodetic station markers; (2) prior to the commencement of any salvage activities, consult with the Corps regarding the potential impact of salvage activities on waterways and wetlands, and comply with the reasonable recommendations of the Corps; and (3) prior to the commencement of any salvage activities, consult with DES regarding the potential impact of salvage activities on water quality, and comply with the reasonable recommendations of DES.
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.